

Notice of Allowability

Application No.

09/726,573

Examiner

Stefano Karmis

Applicant(s)

ALSBERG ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Supplemental Amendment filed 01 August 2007 and a telephone interview on 11 October 2007.

2. ☒ The allowed claim(s) is/are 1-9, 11-24, 88 and 89.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 10/11/2007.

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. The following communication is in response to the supplemental Amendment filed 01 August 2007 and a telephone interview on 11 October 2007.

Status of Claims

2. Claims 1, 16 and 21 are currently amended. Claims 88 and 89 are newly added. Claim 21 has been amended to become an independent claim from a previous dependent claim. Claims 1-9, 11-24, 88 and 89 are currently pending.

Examiner's Amendment

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Lawrence D. Eisen (Reg. No. 41,009) on 11 October 2007.

The application has been amended as follows:

Please Amend Claim 21 to recite:

21. (Currently Amended) A computer-implemented method for generating events to be posted to a marketplace, the method comprising:

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receiving a description of transactions to be offered in the marketplace;

expanding the description of transactions to be offered in the marketplace into at least one offer, with specified conditions of acceptance; and

generating a set of post events based on the at least one offer in a manner to cause the transactions to be offered in a marketplace in which a marketplace method for processing offers is used, and the marketplace method comprising:

receiving a plurality of advantaged offers, each having a respective requested close time;

associating each advantaged offer with one or more available most-favorable disadvantaged offers each having a respective requested close time, wherein [[,]] the conditions of acceptance of each advantaged offer are met by each disadvantaged offer that has been associated with the advantaged offer;

changing the association of an advantaged offer to a newly available disadvantaged offer that offers more favorable terms than a currently associated disadvantaged offer, when the newly available disadvantaged offer is received and meets the conditions of acceptance of the associated advantaged offer,

at a predetermined time based on respective requested close times of associated advantaged and disadvantaged offers, clearing the associated individual advantaged offers and disadvantaged offers to produce cleared individual advantaged offers and disadvantaged offers; and

transmitting transaction directives to transacting buyers and sellers associated respectively with the cleared individual advantaged offers and disadvantaged offers,

wherein the events include straddles specifying a straddle limit, which restricts the number of associations, and

wherein generating a set of post events further comprises:

creating an offer corresponding to one of the descriptions;

adding the created offer to any corresponding straddles; and

generating a straddle including the created offer if no corresponding straddles exist.

Reasons for Allowance

4. The following is an examiner's statement of reasons for allowance:

The closest prior art, U.S. Patent 6,952,682 B1 to Wellman discloses a system and method for matching multi-attribute auction bids. Wellman discloses that a market system collects multi-attribute bids from buyers and sellers, processes the bids to match buyers and sellers, and outputs the resulting matches (column 4, lines 14-19). Attributes for the bids can be both predefined and submitted by the buyer (column 4, lines 51-59). The market system may clear bids (1) periodically, wherein all buyer and seller bids submitted during a certain time period are collected, processed, and cleared or (2) continually, wherein each time a new bid from a seller or a buyer is submitted, the market system processes and attempts to clear the new bid (column 7, lines 8-15). In the periodic clearing, Wellman discloses that the best matching pair or bids between a buyer and a seller is defined as the pair of bids having the greatest surplus among all matching or compatible bids between the buyer and seller (column 7, lines 35-52 and column 8, lines 50-67). After the best matches are determined and the optimal matches are

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output for that time period (column 7, lines 53-60). In the continual clearing, a best match or a best matching pair of bids between a new offer and previously unmatched offers is determined and outputted (column 8, lines 6-23).

A non-patent reference of interest, www.shop2gether.com (hereinafter Shop2gether), discloses a Collective Purchasing Service (CPS) which enables small business to combine their purchasing power to receive corporate rates (page 1). Shop2gether discloses creating a vendor bid, in which the vendor bid includes an expiration date and quantity information (page 4, Creating a Vendor Bid). When buyers find a vendor, buyers can also submit their bids with an expiration date and quantity information (page 3, When you find a Vendor Bid that you want to order). When the Units to Contract is zero, Shop2gether sends the Vendor and the Buyer a notification of Binding Contract (page 4, Payment Information).

The prior art fails to teach A computer-implemented method for clearing binding offers, each of which specifies conditions for acceptance, the method comprising:

receiving a plurality of binding advantaged offers each having a respective requested close time, wherein an advantaged offer is one which, once associated with a given disadvantaged offer, will necessarily be transacted upon, either in accordance with terms originally associated with the advantaged offer, or in accordance with better terms (US Publication No. 2001/0032162, paragraph 0096);

changing the association of one of the individual binding associated advantaged offers to a newly available binding disadvantaged offer that offers more favorable terms than a currently

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associated binding disadvantaged offer, when the newly available binding disadvantaged offer is received and meets the conditions of acceptance of the associated binding advantaged offer, wherein the step of changing the association is performed in order of chronological priority of receipt of the binding advantaged offers (paragraphs 0098, 0175 and 0195); and

at a predetermined time based on respective request close times of associated individual binding advantaged offer and binding disadvantaged offers, clearing the associated individual advantaged offers and binding disadvantaged offers to produce cleared individual binding advantaged offers and binding disadvantaged offers (paragraphs 0109, 0111-0112 and 0138).

5. For these reasons, independent claim 1 is deemed allowable over the prior art.

Independent claims 16 and 21 are allowance for reasons substantially similar to claim 1. Claims 2-9, 11-15, 17-20, 22-24, 88 and 89 are allowed based on their dependency to claims 1, 16 and 21.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted

Stefano Karmis

October 2007



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